

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FOX VALLEY CONSTRUCTION	)	
WORKERS FRINGE BENEFIT FUNDS,	)	
	)	CIVIL ACTION
Plaintiffs,	)	
	)	NO. 06 C 5808
vs.	)	
	)	JUDGE VIRGINIA M. KENDALL
MCCULLOUGH CONCRETE, INC.,	)	
a corporation,	)	
	)	
Defendant.	)	

**MOTION FOR ENTRY OF JUDGMENT**

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on January 4, 2007, request this Court enter judgment against Defendant, MCCULLOUGH CONCRETE, INC. In support of that Motion, Plaintiffs state:

1. On January 4, 2007, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for July 2005 through the current date. The Court retained jurisdiction to enforce the Order entered on January 4, 2007.

2. On January 25, 2007, Plaintiffs' counsel received Defendant's monthly fringe benefit contribution reports for July 2005 through April 2006. The reports indicate Defendant is delinquent in contributions to the Funds in the amount of \$6,197.52. (See Affidavit of Deborah L. French). Additionally, the amount of \$619.75 is due for liquidated damages. (French Aff. Par. 5). The Defendant's contribution reports for July 2005 through April 2006 are attached hereto.

3. Plaintiffs' auditors completed an audit of the Defendant's payroll books and records on or about August 19, 2005. The audit findings show that the Defendant is delinquent in contributions to the Funds in the amount of \$4,578.99. (French Aff. Par. 7). The amount of \$457.90 is due for liquidated damages. (French Aff. Par. 8). The audit findings are attached hereto.

4. Plaintiffs' firm has expended the amount of \$1,142.50 in attorneys' fees and \$452.00 in costs, for a total of \$1,594.50, in this matter. (See Affidavit of Catherine M. Chapman).

5. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$13,448.66.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$13,448.66.

/s/ Cecilia M. Scanlon

### **CERTIFICATE OF SERVICE**

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 6<sup>th</sup> day of February 2006:

Mr. Gerald L. McCullough, Registered Agent  
McCullough Concrete, Inc.  
401 E. Sheridan Street  
Watseka, IL 60970

Mr. Gerald L. McCullough, Registered Agent  
McCullough Concrete, Inc.  
20856 N Rand Road  
Barrington, IL 60010

/s/ Cecilia M. Scanlon \_\_\_\_\_

Cecilia M. Scanlon  
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